
**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION**

BENJAMIN J. ARUCHULETA,

Plaintiff,

vs.

MARY JANE McNAMEE,

Defendant.

**ORDER DISMISSING CIVIL
RIGHTS COMPLAINT**

Case No. 1:07-cv-52-WFD

Judge William F. Downes

Mr. Archuleta brought this 42 U.S.C. § 1983 prisoner civil rights action against Mary Jane McNamee, the Courtroom Deputy for Chief Judge Tena Campbell, U.S. District Court for the District of Utah. As a result, each of the Judges sitting in the U.S. District Court for the District of Utah filed orders of recusal, thus removing themselves as judges in the matter. Consequently, the case was reassigned to this Court.

This Court is mindful of the duty to liberally construe the pleadings of pro se litigants. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). Nevertheless, the Court is unable to decipher precisely what Mr. Archuleta is alleging and finds Mr. Archuleta's complaint to be nonsensical.

Furthermore, Mr. Archuleta has failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2); Fed.R.Civ.P 12(b)(6). Those performing ministerial acts at the direction of a judge are entitled to absolute immunity. *Whitesel v. Sengenberger*, 222 F.3d 861, 867-69 (10th Cir. 2000). Ms. McNamee, as a courtroom deputy, falls within this provision. Therefore, the Court finds that Mr. Archuleta's complaint should be dismissed pursuant to 28 U.S.C. § 1915(e)(2).

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's civil rights complaint is **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted.

DATED this 1st day of August, 2007.



United States District Judge